

CRIMINAL DOCKET - U.S. District Court

U.S.

(LAST, FIRST, MIDDLE)

Case Filed

Mo Day Yr.

Docket No.

Def.

PO ☐ 0417 05 Assigned 1706
Misd. ☐ Disposition
Felony ☐ District Off Judge/Magistr

☐ WRIT
☐ JUVENILE
☐ ALIAS
OFFENSE ON INDEX CARD

VS. ISENHOUR, Ralph Leroy

09 08 87
No of Def's 1 U.S. MAG CASE NO

00044 01

I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISM. N.G.
18:1709	Embezzlement of mail	1	<input checked="" type="checkbox"/>
18:1701 (petty-misd.)	Criminal Information - (Petty-Misd.) obstruct and retard passage of mail - Cts. 1 & 2	2	<input checked="" type="checkbox"/>

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE EARLIEST OF 1st appears with or waives counsel 9-8-87	KEY DATE 09/08/87 APPLICABLE Indictment filed/unsealed consent to Magr. trial on complaint Information Felony Waiver	KEY DATE 11-17-87 APPLICABLE Dismissal Pled guilty After N.G. After nolo Trial (voir dire) began Jury N.J.

ARRAIGNMENT	1st Trial Ended	RE-TRIAL	2nd Trial Began	DISPOSITION DATE	SENTENCE DATE	PTD Nolle Pro.	FINAL CHARGES DISMISSED
9-8-87							on def motion on gov't motion

III. MAGISTRATE																				
<table border="1"> <tr> <td>Search Warrant</td> <td>Issued</td> <td>DATE</td> <td>INITIAL/NO.</td> </tr> <tr> <td>Summons</td> <td>Issued</td> <td></td> <td></td> </tr> <tr> <td>Arrest Warrant Issued</td> <td>Served</td> <td></td> <td></td> </tr> <tr> <td>COMPLAINT</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Date of Arrest</td> <td></td> <td></td> <td></td> </tr> </table>	Search Warrant	Issued	DATE	INITIAL/NO.	Summons	Issued			Arrest Warrant Issued	Served			COMPLAINT				Date of Arrest			
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Show last names and suffix numbers of other defendants on same indictment/information:

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

ATTORNEYS	DEFENSE	BAIL & RELEASE
<p>U. S. Attorney or Asst.</p> <p>Peter W. Kellen</p> <p>1303 Tulip St. P. O. Box 262 Clayton, NC 27520 553-7863</p>	<p>Defense: 1 <input type="checkbox"/> CJA 2 <input checked="" type="checkbox"/> Ret. 3 <input type="checkbox"/> Waived. 4 <input type="checkbox"/> Self. 5 <input type="checkbox"/> Non / Other 6 <input type="checkbox"/> PD. 7 <input type="checkbox"/> CD</p> <p>Jack B. Crawley, Jr. P. O. Box 97155 Raleigh, NC 27624-7155 847-2354</p> <p>70 days up w/o mot: 11/17/87</p>	<p>RULE 20 21 40 In Out</p> <p>PRE-INDICTMENT</p> <p>Release Date 5/28/87</p> <p>Bail Denied <input type="checkbox"/> Fugitive <input type="checkbox"/> Pers. Rec. <input checked="" type="checkbox"/> PSA</p> <p>AMOUNT SET \$</p> <p>Date Set 5/28/87</p> <p>Bail Not Made <input type="checkbox"/> Collateral <input type="checkbox"/> 3rd Ptry <input type="checkbox"/> Other</p> <p>POST-INDICTMENT</p> <p>Release Date</p> <p>Bail Denied <input type="checkbox"/> Fugitive <input type="checkbox"/> Pers. Rec. <input type="checkbox"/> PSA</p> <p>AMOUNT SET \$</p> <p>Date Set</p> <p>Bail Not Made <input type="checkbox"/> Collateral <input type="checkbox"/> 3rd Ptry <input type="checkbox"/> Other</p>

FINE AND RESTITUTION PAYMENTS

Docket Entries Begin On Reverse Side

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

APPEALS FEE PAYMENTS

DATE DOCUMENT NO		Yr	Docket No	Def	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE	OF	VI EXCLUDABLE DELAY		
		87	00044	01				Start Date End Date	Ltr Code	Total Days
		V. PROCEEDINGS								
5/28/87	1	CRIMINAL COMPLAINT filed								
5/28/87	2	WARRANT FOR ARREST issued & ret'd; def't arrested by G. D. Nedostup, Postal Inspector								
5/28/87	3	ORDER SETTING CONDITIONS OF RELEASE-def't released on PR Bond; travel restriction to EDNC; maintain or seek employment; cys to AUSA; def't & USMS								
5/28/87		Received USMarsahl Field Report								
6/4/87	4	NOTICE OF APPEARANCE-by Jack B. Crawley as retained counsel for the def't' cs to AUSA								
6/16/87	5	WAIVER OF PRELIMINARY EXAMINATION by the def't; cy to def't, Mr. Crawley & AUSA								
7/30/87	6	MOTION FOR DISMISSAL OF COMPLAINT AND INCORPORATED MEMORANDUM OF LAW-cs to AUSA						7-30-87 9-15-87		40 (7-30-87)
8/10/87	7	RESPONSE OF THE UNITED STATES TO DEFENDANT'S MOTION TO DISMISS THE COMPLAINT; cs to Jack Crawley; cy to Judge Britt								
8/12/87	8	REQUEST FOR HEARING on Motion for Dismissal by def't; cs to AUSA; cy to Judge Britt								
8/17/87	9	REPLY TO RESPONSE OF UNITED STATES TO DEFENDANT'S MOTION TO DISMISS THE COMPLAINT by def't; cs to AUSA; cy to Judge Britt								
8/17/87	10	AFFIDAVIT OF RALPH LEROY ISENHOUR w/attached Letter of Decision; cy to Judge Britt								
8/27/87		NOTICE-of Hearing on Motion to Dismiss with Prejudice on Tuesday, Sept. 15, 1987 at 10:30 a.m. Courtroom No. 2 7th Floor, Raleigh; cys to USAtty & Jack B. Crawley, Jr.								
9/4/87	11	SUPPLEMENTAL AFFIDAVIT OF RALPH LEROY ISENHOUR w/attached Letter; cy to Judge Britt								
9/8/87	12	INDICTMENT filed; cys to Judge Britt; Mag. Denson; USAtty Ofc; USPO; USMS; Mr. Crawley								
9/11/87	13	ORDER ON PRETRIAL SCHEDULING - discovery by 9/28/87 motions by 10/8/87 responses by 10/19/87 (Denson, Mag.) lc: USA, Crawley and Judge Britt								
9-21-87	14	ORDER - at hearing conducted 9/15/87 m/dismiss complaint w/o prejudice and allowed def't. to more, ore tenus to dismiss the indictment on same grounds - motion to dismiss indictment is DENIED . (Britt, J) Cr. OB#35, P. 174. lc: USA and Mr. Crawley. (ent. 9/21/87) 70 days up 11/30 w/excludable time through 9/21								
10-26-87		ISSUED NOTICE TO APPEAR set for arraignment and trial on 11/9/87 at 9:00 A.M. in Raleigh before Judge Britt lc: U.S.A. & Mr. Crawley								
11/6/87	15	CRIMINAL INFORMATION - petty-misdemeanor lc: Judge Britt Received Consent to Proceed before U.S. Magistrate - signed by def't. and Mr. Crawley - lc: Judge Britt Proposed Order for Dismissal of indictment w/o prejudice submitted - Orig. to Judge Britt.								

LETTER CODES

For identifying periods of excludable delay per 18 USC 3161 (b) (Sections in brackets):

A Exam or hearing for mental/physical incapacity (18 USC 4244) (1)(1A)

B NARA exam (18 USC 2902) (1)(1)(B)

C State/Fedl proceedings on other charges (1)(1)(D)

D Interlocutory appeal (1)(1)(E)

E Pretrial motion (from filing to hearing or to other prompt disposition) (1)(1)(F)

F Transfer from other district per FRCP 20.21 or 40 or Mag Rule 6a (1)(1)(G)

G Proceedings under agreement not to exceed 30 days after all necessary submissions filed and hearings completed (1)(1)(H)

H Misc proceedings: arraignment, parole/probation, revocation, Deportation, extradition (1)(1)

I Deferral of prosecution (per 28 USC 2902) (1)(1)(I)

J Transportation from another district or to/from examination or hospitalization in 10 days or less (1)(1)(J)

K Consideration of plea agreement (1)(1)(K)

L Prosecution deterred by mutual agreement (2)(1)

M Unavailability of defendant or essential witness (4)(1)(A,B)

N Period of mental/physical incompetence of def't to stand trial (4)(1)

O Period of NARA commitment/treatment (1)(5)

P Superseding indictment and/or new charges (1)(6)

R Def awaiting trial of co-defendant & no severance has been granted (1)(7)

F Continuances granted per (1)(1)(B) use "F" alone if more than one of the following reasons: (1) this T4 is given in support of continuance (1)(8)(A,B)

T1 Failure to continue would stop further proceedings or result in miscarriage of justice (1)(1)(B,m)

T2 Case unusual or complex (1)(1)(B,m)

13 Indictment arrest can't be in 30 days (1)(1)(B,w)

T4 Continuance granted to obtain or substitute counsel, or give reasonable time to prepare (1)(8)(B,w)

U Time up to withdrawal guilty plea, 3161(i)

W Grand Jury indictment time extended 30 more days, 3161 (b)

AO 256A *

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
11-17-87	<p>(Document No.)</p> <p>RALEIGH - JUDGE BRITT - Jo Bush Court Reporter MEMORANDUM OF PLEA AGREEMENT lc: Britt, USA, USPO Rule 11 Plea of G/Cts. 1 & 2 ORDER FOR DISMISSAL as to original Indictment (Britt, J) Cr. OB#35, P. 224. lc: Britt, USA, USPO and Mr. Crawley. (ent. 11/23/87) Plea accepted - Bond continued SEN: 1/25/88 - Ral.</p>				
1/6/88	<p>Issued NOTICE - for sentencing on Monday, January 25, 1988, 9:00 a.m. @ Raleigh; cy to AUSA & defense counsel</p>		bb		
1-20-88	<p>MEMO From Judge Britt regarding sentencing on January 25, 1988 in Raleigh at 10:00 A.M. cys. dist. to counsel of record, lc. U.S. Atty. Probation, Marshal, Clerk's Office and Court Reporter.</p>			ms	
1-25-88	<p>JUDGMENT AND COMMITMENT ORDER - COURT REPORTER - Jo Bush COUNT 1 - Six (6) months and fined the sum of \$100.00 which bears interest at the rate of 1.5% per month until paid-said fine to be paid immediately. Execution of the Sentence of imprisonment only is hereby suspended the deft. is placed on probation for a period of three years upon the following conditions 1. That he obey all local, state and federal laws, 2. That he comply with the rules and regulations of the Probation Office 3. that he contribute one - hundred hours of community service as directed by his probation officer. Defendant is to pay a special assessment in the amount of \$25.00.</p> <p>COUNT 2 -Six (6) months- sentence imposed on Count 2 to be consecutive to the sentence imposed on Count 1. E.S.S. and deft. is placed on probation for a period of three (3) years, upon the same terms and conditions as set forth for Count 1, however, the 100 hours community service on Count 2, will be in addition to the community service in Count 1, for a total of two hundred hours community service in Count 1 for a total of two hundred hours community service to serve during his three years probationary period, said community service to be under the supervision and direction of his probation officer. Deft. is to pay a special assessment in the amount of \$25.00. The court finding no identifiable victim, orders no restitution. Judge Britt CR OB # 6, P. 307 cys. dist. (ent. 1-29-88) ms</p>				

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				